

**CITY COUNCIL MINUTES**  
**February 14, 2011**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, February 14, 2011 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President B.J. Watts presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

**ROLL CALL:**

Present: Walker, John, Adams, Friend, Robinson, Bredhold, Mosby, McGinn, and Watts.

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance was led by Councilman Curt John.

Fellow Councilmen and those in the audience, welcome to the February 14, 2011 meeting of the Common Council.

**TEEN ADVISORY COUNCIL**

Claire Alvey, Caleb Heiman, Dorothy English, Bryant Dawson, Ellen Kendall, Jessie Earle, Nick Carey, Kristen Loehr, Sarah Crowson, Tommy Graber.

**COUNCIL ATTORNEY**

John Hamilton is City Council Attorney this evening.

**SERGEANT AT ARMS**

This evening Officer Montgomery is the Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES**

Is there a motion to approve the minutes of the January 24, 2011 meeting of the Common Council as written?

Councilman John moved and Councilwoman Mosby seconded the motion to approve the minutes of the regular meeting of the Common Council held January 24, 2011. Voice vote. So ordered.

**REPORTS AND COMMUNICATIONS**

**IN YOUR FEBRUARY 11<sup>th</sup> PACKET:**

- \*City Council Agenda for February 14, 2011 meeting.
- \*Committee Meeting Schedule.
- \*Resolutions C-2011-2 and C-2011-3.
- \*Rezoning Ordinance R-2011-1.
- \*Minutes from the January 24, 2011 City Council Meeting.
- \*Minutes from January 13, 2011 Meeting of the Area Plan Commission.

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\*A copy of a letter from Councilman John to the members of the Evansville Redevelopment Commission.

\*Evansville Redevelopment Meeting Minutes from January 19, 2011.

**ON YOUR DESK THIS EVENING:**

\*A memo to City Council and Redevelopment Commission Members from Steve Peters, VenuWorks President.

Councilwoman Robinson moved and Councilman Friend seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2011-2                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying, confirming authorizing and approving an amendment to the contract between the city of Evansville and Chauffeurs, Teamsters, and Helpers Local Union No. 215 January 1, 2010 through December 31, 2012

**RESOLUTION C-2011-3      FINANCE(FRIEND)                      ROBINSON/ADAMS**

A Resolution of the City Council of Evansville, Indiana regarding transfer or exchange of property with Vanderburgh County

**ORDINANCE R-2011-1                      TO APC                      C-4 & R-4 TO C-4w/U&D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 931 W. Columbia St. and 809 & 811 N. 3<sup>rd</sup> Avenue

Petitioner:                      John Bassemier  
Owners:                      J B& A, Inc.  
Representative:                      John Bassemier  
District:                      B.J. Watts, Ward 6

Councilwoman Robinson moved and Councilman John seconded the motion to adopt the consent agenda as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2010-20                      FROM APC                      R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 400, 402, 404, 408, 412, 414, and 416 Linwood Avenue and 415 S. Evans Avenue

Petitioner:                      St. Vincent de Paul, Inc. of Evansville, IN by Daniel R. Miller  
Owners:                      Audrey and Anthony Wilson  
Representative:                      Audrey Wilson  
District:                      Connie Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes.

Councilwoman Mosby moved and Councilman Walker seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered. Council now stands at Third Reading.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2010-20**

**FROM APC**

**R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 400, 402, 404, 408, 412, 414, and 416 Linwood Avenue and 415 S. Evans Avenue

Petitioner: St. Vincent de Paul, Inc. of Evansville, IN by Daniel R. Miller

**Daniel Miller:** Good afternoon. My name is Daniel Miller and I am the president of the Evansville District Council of St. Vincent de Paul, which owns and operates the St. Vincent de Paul Thrift Store at 767 E. Walnut Avenue. Six students at the Sobron University in Paris founded the society of St. Vincent de Paul in 1833. Their leader was a law student by the name of Frederic Ozonam and he was an apologist for his religious faith at a time when, not only Catholicism, but religion itself was under attack by a secular world. In a debate, Frederic Ozonam was challenged to put his faith in to practice and his response was to follow the teaching of Jesus Christ, whatever you do for the least of my brothers or sisters, you do for me. So Frederic and five of his friends formed a society and began helping the poor in the slums of Paris with practical and material assistance as well as spiritual help and they grew. Within a year they had spread throughout the city of Paris; within a few years, throughout all of France; and within a few years, all of Europe. In 1845 his society established its Conference in the United States in St. Louis, and today St. Louis is the national headquarters for St. Vincent de Paul in North America. Today there are 690,000 Vincentians on five continents and 142 countries that embrace the rule of the society serving their brothers and sisters in need regardless of social standing, race or creed. The basic unit of the St. Vincent de Paul Society is the Conference, organized primarily by Catholic Parish, the members both active and associates are lay men and women, not clergy. Our members minister to the poor without regard to race, creed, gender, ethic or national origin. Our rule mandates that our members, in pairs, visit the poor in their homes. In the Evansville Diocese there are four districts in our geographical area: Vincennes, Evansville, Jasper, and Washington, Loogootee. In the Evansville District we have 26 Conferences which comprise Vanderburgh, Posey, Warrick, and Gibson Counties. And those 26 Conferences have 284 active members and 103 associate members. Our Conferences are the primary providers of assistance to the poor. Funding is achieved primarily from the donation of alms by parishioners of Catholic Churches to St. Vincent de Paul. However, we do other fund raising like our Friends of the Poor Walk in late September or early October every year, and everyone can participate in our Friends of the Poor Walk. Our rule mandates that we seek out the poor, however in modern days, technology also enables the poor to seek us out. And either by referral or looking in the phone book, persons in need most often contact our district coordinator's office for help. That office is staffed by a crew of dedicated volunteers who then five days a week receive those calls and make the referrals to one of the 26 Conferences, usually in the geographic area where that person lives. They collect the most necessary information and refer them to the Conference, and the turn around time is generally about three days. Members of the Conference then, in pairs, visit the poor in their homes and if they are able, assist the client in a material or some other way. Typical needs include rent and utility bills, which the Conference pays for. Referrals can be made through our St. Vincent de Paul food pantry and for furniture, appliances, household goods or clothing, they are referred to the St. Vincent de Paul

Thrift Store. The St. Vincent de Paul Thrift Store provides the assistance requested by the referral. Some of the assistance is provided free of charge. Some of the assistance is paid for by the Conference which makes the referral, which pays the bill from monies collected from their respective Catholic Parishes. The Thrift Store is staffed by a combination of employees and volunteers and self-funding through donations of goods which are then sold at moderate prices. Our Conferences have 284 active and 103 associate members who in 2010 logged 26,110 service hours. They made 6042 home visits, visiting 18,026 persons. They made 654 referrals and directly assisted 34,744 people. This does not include the food assistance to 30,035 people by our food pantry. Conferences expended over \$419,000 in direct assistance to the needy in our four-county area. They paid \$33,408 of in-kind assistance, and this does not include food from our food pantry or clothing or household items given away by our St. Vincent de Paul store. It is always astounding to me that fewer than 400 people can give away roughly a half a million dollars per year in assistance to the needy. St. Vincent de Paul owns the property 767 Walnut Street, the location of our store. Over the years we have purchased additional property and presently we are acquiring property on Linwood Avenue. With the property we already have, we have expanded and improved our parking lot to make it safer and more attractive. Our present zoning classifications, the store and the original parking lot are zoned commercial. The land with the parking lot we recently acquired along Linwood is residential. The land we propose to acquire on Linwood is also zoned residential and what we are asking is that the land we acquired most recently and the land that we propose to acquire on Linwood and one parcel that we own on Evans be rezoned commercial, giving the entire piece of property consolidated a uniform zoning classification.

**President Watts:** Are there any questions by members of council? Would anyone in the audience like to speak either for or against this petition?

**Councilman McGinn:** Mr. Miller, some of the people who live in this neighborhood are clients that are served by St. Vincent de Paul, are they not?

**Daniel Miller:** We have a confidentiality requirement so....very possibly, but I could not pinpoint specific people.

**Councilman McGinn:** Let me ask it this way: Anyone within walking distance of your building, have they remonstrated in any way?

**Daniel Miller:** No.

**Councilman McGinn:** Okay, thank you.

**Councilwoman Robinson:** Okay, I see me Ms. Hampton coming in, I think she is a member of your board.

**Daniel Miller:** She is actually a member of a Conference at St. Benedicts. She not currently ....

**Councilwoman Robinson:** I didn't know if she was coming in to remonstrate or....are you a remonstrator for St. Vincent or are you in favor or it....are you in support of it?

**Ms. Hampton:** Yes

**Councilman Adams:** There was some confusion about a year ago where some people thought they were going to lose their alley and you were able to straighten that out, but that had nothing to do with this particular acquisition.

**Daniel Miller:** That's exactly right. We moved the alley to put in a parking lot.

**Councilwoman Robinson:** This is the area that I represent and I have not heard from anyone against this, and I know it does serve a useful purpose in the community.

**President Watts:** Do we have any other questions by members of council? Seeing none...

Councilman John moved and Councilman Friend seconded the motion to adopt Zoning Ordinance R-2010-20 and call the roll.

### **ROLL CALL**

**Ayes:** Walker, John, Adams, Friend, Robinson, Bredhold, Mosby, McGinn, and Watts. There being nine (9) ayes and zero (0) nays, Zoning Ordinance R-2010-20 is hereby declared adopted.

### **MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting next Monday, February 21, 2011 because it is a Holiday. The next City Council meeting will be Monday, February 28, 2011 at 5:30 p.m. Committee meetings will begin at 5:10 p.m.

**Terry Bolin – Speaking about Landlords' Water Bills.**

**Terry Bolin:** I've got a bill from the water department and as a property owner, I own a duplex, and this bill is for someone else's water. According to these codes, they can collect that from me. I read the codes. I think the codes are very vague. It seems to me the codes were written to recoup money for people who were just having sewer put in or the people who live in the apartment or live in the home to recoup that, and that doesn't seem to be the case. They're trying to recoup it from me as the property owner. But my main concern is this bill was sent to me January 7<sup>th</sup> of this year. The meter was read August of last year and the bill was for sewer and trash pickup only, but it is still \$219.00. It seems like it is a five-month bill. Why wasn't the water turned off for these people in this apartment if they didn't pay the bill. Was it because the water department knew they could collect it from me? I mean this doesn't seem like a fair way. The code says that the fees assessed against real property, a lien can be put against the property. The water bill doesn't come just to the home. It comes to a person. A person's name is on that bill. I'm just wondering is there some way that they can get the water department to start notifying us sooner and shutting the people off without putting the burden on us, because I just found out I'm going to have another one of these in probably about three weeks.

**John Hamilton:** This has come up before and actually there is a State Statute that governs this and it has been upheld by the Indiana Supreme Court, and it says the property owner is 100 percent liable for the water and sewer charges to that property. What some municipalities have done is say they will make their records available to landlords so that landlords can come and check monthly or every 30 or 60 days to make sure the tenant is doing it, or landlords can write it into their lease and keep the water in their name and collect it from the tenant. There are ways you can protect yourself. But it is State law that gives municipalities the right to collect directly

from the property owner who is 100 percent responsible and it's been challenged and upheld by the Indiana Supreme Court. As far as the lien goes, they do have to give special notice if they want a lien to attach, but you are still liable for the charges.

**Terry Bolin:** What about the water department's responsibility of turning it off in a reasonable amount of time? There are no ordinances on that? They can just let the water run forever knowing they're going to collect it from me and it's not even my water bill?

**John Hamilton:** The statute of the State of Indiana puts the onus on the property owner to protect themselves through various means.

**Councilwoman Mosby:** President Watts, isn't this something we can look into, I mean if it's been that delinquent, shouldn't there be a way that we could notify the landlord that it's that delinquent? It really doesn't seem fair that the landlords are constantly.....

**President Watts:** In past cases I think our advice has been to include that on your rental agreement so the bill comes to the landlord. This has been the best experience for people coming forth. By all means, John can look into it, but I'm not sure there is anything...

**John Hamilton:** I know one thing you could do is ask the water department to make their records available to landlords so that landlords could check on a monthly basis and say "have they paid their bill".

**President Watts:** Then again, I'd hate for you to have to drive down there every month. It's better than getting a bill I guess.

**Councilman Friend:** May I add something. You know we spend 4.5 million dollars a year on IT in the city. To me, I have a hard time not understanding how in the utility department they cannot have an automatic email sent out when a bill goes delinquent. You don't even have to have a hand even touching that. The banking relationships I have, the balances drop down to a certain amount, I get an automatic email. That's easy to do. It doesn't cost a lot of money. That would immediately put you on notice that you have a problem.

**Councilman McGinn:** We discussed this a couple of months ago, and Mr. Bolin this is the second time I've heard this in a three-month period of time, and I think this deal stinks if you want to know the truth about it. I thought there was a notice provision that the water company has to notify the land owner if they're delinquent.

**John Hamilton:** They can impose a lien and foreclose, but not to just collect. In other words, the landlord is responsible whether they do that notice or not.

**Councilman McGinn:** Even if the bill is 5, or 6, or 7 months delinquent? There is no notice to let the landlord know that their tenant is delinquent?

**John Hamilton:** Notice is only if they're going to impose a lien.

**Councilwoman Mosby:** Mr. Bolin, you brought this up a Traveling City Hall meeting, correct?

**Terry Bolin:** Yes I did.

**Councilwoman Mosby:** Has Jim Garrard followed up with you on this?

**Terry Bolin:** One of his assistants called me about three weeks later, and they said they really don't have an answer for me. They didn't know why the bill was so long in getting to me to even let me know that these people owed it.

**Councilwoman Mosby:** I think this is something we really need to look into as a council because something needs to be resolved. And like Councilman Friend is saying, there has got to be a way that we can send an email or something out to you, that way it's not getting this delinquent and you are getting charged that.

**Councilwoman Robinson:** Mr. President, I empathize with him because I got stopped at the Post Office Saturday and someone had three notices and kept me at the Post Office for 25 minutes talking about it. It is a serious problem, especially with landlords that have a lot of property. I think what Councilman Friend suggested was an excellent idea. To me it seems like it should be a simple task when you think about how much we spend with the IT Department.

**Councilman Friend:** This won't cost us a dime. It's an automatic thing. We're not sending out postage or anything.

**Terry Bolin:** If I had some advance notice, I might have known that these people were going to move out on me in the first place. I not only have to pay this bill, I've lost \$1,800 in rent. I only have three properties. I live in half of one of them and the very one that I live in is the one I never received a notice that the water was going to be turned off or anything. In fact, I remodeled the apartment after the people moved out. I never saw the water turned off. I replaced faucets and everything in that apartment. I never saw that water ever turned off in that time period until I re-rented it and new people put their name on it. Never saw it turned off.

**Councilwoman Mosby:** Well, we apologize for inconvenience on this, and this is something I think as a council we should definitely look into and see what we can do to assist you and other landlords. I have your contact information, so we will definitely get back with you on that.

**Councilman Adams:** Mr. Hamilton, do you do this in the form of an ordinance or a resolution?

**John Hamilton:** It would be an ordinance and what I would want to do is investigate with the department to see if there is any problematic issues that we address such as the owner would have to be required to either request this and submit a current address and keep that current. But even so, I don't think that would excuse the owner if the notice wasn't sent out. They would still be 100 percent responsible for the charges so there is still a duty on the owner to keep track of it.

**Councilman Adams:** Would it be appropriate for a motion at this point to have you do that?

**John Hamilton:** No, you just direct me to do it and I'll do it.

**Councilman Adams:** I direct you.

**Councilman McGinn:** I second that.

**Councilman Adams:** You might also want to increase your deposit, sir. The tenant has left?

**Terry Bolin:** Yes, and the tenant was on Social Security. There is no way you can recoup anything from Social Security.

**Councilman Adams:** But you can a deposit, can you not?

**Terry Bolin:** Yes, I did have a deposit.

**Councilman Adams:** I guess you could've checked with the water department to make sure the bill was okay once they left?

**Terry Bolin:** I could have. I had no idea that she hadn't paid it.

**Councilman Adams:** I'll bet you do it the next time.

**Terry Bolin:** I was so glad to have her gone. I only have four properties, and now I've two more in court taking one out and the other is supposedly moving, but they're holding us responsible if there is meth labs and things like that in there. They're holding us responsible for everything, and then now they're holding us responsible for somebody else's water bill, and they don't even turn them off in a timely fashion.

**Councilman McGinn:** Mr. President, there is something I'd to talk about. We don't have to discuss it, but I would like people to start thinking about it. We talked about this last year on various committees we were on, the Youth Sports Grant Committee and the Youth Leadership Committee. I think you will recall, we told all of those groups that there may be a real difficulty in funding these programs because of budgetary constraints. Within the next couple of weeks, we have those meetings to listen to what these grant requests are. In the meantime, and I didn't bring anything up at budget time, but I think there is a real need to consider severely limiting or curtailing those programs with the thought in mind that that \$60,000 that if it isn't severely curtailed, that none of it be used on these grants. And again, this should not be a surprise to any of these people who apply to these. I would like this body to think about it and possibly we can do a resolution by the 28<sup>th</sup> or after these meetings sometime in March when it comes time to disburse these funds, that the money be put back in the General Fund and then a new Finance Ordinance come in and the majority of it be used for materials and part-time labor to clean up parks. It's a step in the right direction. We can at least get the hypodermic needles out of Sunset Park. We can get the graffiti off of the Greenway. Those are our two crown jewels in the park system, other than the zoo and the pools, which are wonderful. But those are in our front door and I've been to several meetings, I've talked to several people and there are no funds to do this unless we reprioritize something, and this is the program that we talked about last year that may or may not be available this year. I'm just proposing now that we think about it. We still have our committee meetings coming. It's not a surprise to anyone, but I personally think that new football equipment for a youth sports group is far down the list in priorities when number one on the list is keeping dirty needles out of the parks and out of the skin and the blood system of six year old girls. So I want this body to think about it, and I'll probably do it by way of either a resolution when it comes time or we'll discuss it. This whole body has to vote on it though, so I just want to propose that discussion today.

**President Watts:** Any other members of council have anything under Miscellaneous Business? Anyone in the audience have anything under Miscellaneous Business? Moving to what has certainly been a topic of discussion for the last several weeks, you all received an email version of this on Friday. This was prepared by Mr. Hamilton. I will read the last paragraph that I have a letter here for where there are nine signature lines for to sign if you like before it goes to the ERC tomorrow. You are welcome to sign it but you don't have to. I will read the last paragraph which sums up the points made before.

We request that the Evansville Redevelopment Commission consider these concerns and recommendations and obtain additional public input prior to approving any contract. We believe that further investigation and input will lead to the conclusion that continuing the City's long-term and proven relationship with SMG will be of greater benefit to the citizens of Evansville. We further recommend that the ERC consider an extension to SMG until July 1, 2012. This would provide a new City Administration an opportunity to assess their performance, and then rebid the contract.

Are there any questions by members of council?

**Councilwoman Mosby:** I would just like to add that the way this was handled, the public is upset about this. I've had a lot of constituents call me. They felt they didn't have any type of input and this has just kind of been another one just pushed through without even any contact from us. The way the constituents are, we need to start having more transparency, and we need to definitely make sure that we start public input on these things and not just us finding out the day before it's going to be voted on.

**Councilman Friend:** I was on the advisory committee on this. We interviewed three organizations: SMG, VenuWorks, and another organization called CIMA, which was in Bloomington, Illinois. The interview process, there was some pros and cons. The SMG interview, some of the committees were concerned about their response to certain issues that came up under the Roberts Stadium and how those were handled. It didn't appear that there was much buy in from SMG on those issues. That was a concern with a lot of the committee members. The VenuWorks that interviewed with us, questions came up and they had pretty good responses. I threw some questions out there about their aggressive growth. They indicated they had 20 percent growth rate over the last five years. I had concerns about baseline capital, structure, and entities that exceed that kind of growth rate. You wonder about liquidities and whatever else that was. I also stated along the way it would have been nice, and for the matter, all parties, to present their financial positions, financial statements, over the last five years. That gives you an idea of where they are going as a company. I don't think anybody on the committee saw any of that from anybody. I requested it from VenuWorks, but they indicated it was private, and I can understand and appreciate that. Some concerns came up about did we vent, say for instance VenuWorks, have we had any recommendations from anybody else. I think in your packet you will find references from some of their customers. I went through some of those things. During the interim, I was trying to find out about continuity and competition with the Centre. As you recall the Centre is going to be managed by SMG, so it seemed like there might be some conflicts with the Arena along with the Centre. Those issues were kind of batted around somewhat so the things about this continuity came up. In the interim I was trying to find out some information from a newly opened arena, and that was one in Wichita, I think you have that on your desk. I handed that out. That is owned and operated by the county Sedgewick in Kansas. It is a 15, 000 seat facility. They just finished up one of their operations. According to a letter, they had 92 events. According to other sources they had a sell-out on each

one of those events. You can see from the letters, they had Elton John and Billy Joel combined in there. They had Bon Jovi, which is probably the number one class act in the world; they've had the Eagles and Dave Matthews Band. I didn't know this, but according to what this gentleman, Ron Holt, who manages that facility, so SMG works directly with them, according to him they are ranked twenty-third in all the arenas in the United States and forty-sixth in the whole world. That's in Wichita. I don't know if you've ever had a chance to visit. They are a community of 300,000 people. I may add, just for the public's concern about parking garages in Wichita, they do not have one issue with parking with 15,000 people downtown. The Mayor is going to call me back tomorrow and give us a letter that deals with the parking issues. With all that said, that's where we are now. The issues with SMG, we all know and I think most people know about them in town, and VenuWorks they have seventeen locations throughout the Midwest. I believe their flagship is the LA Forum in Los Angeles. So that's what we found out during our process. I guess the question is do we feel it being an issue with some facility across the street being managed by SMG and the other facility being managed by VenuWorks or whoever that might be.

**President Watts:** My experience with this is I'm in no way saying SMG is the end-all, and see our friends from VenuWorks back there, met them --- great people. I'm not saying give this to SMG. I'm saying I think this was rushed. I talked with Joe Kiefer, County Council President, and lots of people have the same feelings we do that in essence have to answer for all of this, which is us, didn't get a chance to have input and neither did the public, and I think that is the big concern. I, in no way, have any doubt that VenuWorks would do a great job, that SMG would do a great job, that's not my concern. I think the way that it was handled, it was handled very poorly.

**Councilwoman Bredhold:** I hate to interrupt you President Watts, but now that two people have said we didn't have representation on the council, I just want to point out that Councilman Friend was the City Council's representative on the committee.

**President Watts:** I said we as council members, barring Councilman Friend, didn't have input. I mean I get a call on Saturday night that this is going to happen on Tuesday. There is not a lot to do in three days there. And do I take some blame for that? Certainly, maybe I should've been on top of it more than I was, but the point being, if I erred, so did the county council, so did the county commissioners, they're upset. Everyone seems to think that this is very, very rushed. With the biggest thing that this city has done in probably a hundred years sitting across the street, I hate to see us rush into anything. My suggestion was, you're going to have a new administration, you're going to have a new mayor, new council members on January 1, 2012. My thought that the fair thing to do, democrat or republican, whoever wins, that is who is going to be sitting in the office dealing with whoever is going to run this facility. I think that they should be the ones that gets to make this decision especially since, in many opinions, the decision process was flawed, not saying the decision was flawed, but the process was flawed. That's my stance here. I brought this letter. By all means do not feel obligated to sign it. I wanted you to have a chance if you wanted to. I'll have it after council.

**Councilman Adams:** John Friend was kind enough to inform me of the situation a couple of Fridays ago, so I spent 90 minutes with SMG on Monday and 90 minutes with VenuWorks, and the difference in the presentations was night and day. I've done some other research on various things and there are about a handful, maybe 4 or 6, cities in the United States where they have two different companies managing it. In Richmond it works very well. Both companies, both

SMG and VenuWorks have committed to me that they will cooperate. I'm not sure, Mr. Hamilton, whether this body has the legal right of review of this particular situation. I don't know whether the contracts by the Mayors office is open. I mean it's kind of hard to negotiate if it was an open contract. I have suggested to both of them that whoever wins the contract that they proactively send the contract to all of us, the county council and city council and so forth like that. I would think and I'm not sure of the term, safe harbor, safe haven, safe..... but you can make it so that the city, if the vendor does not produce, you can terminate the contract without cause. I would also think that in the Mayor's office, new or old, there ought to be some sort of booking awareness or a book in which you would know instantly whether there was any kind of conflicts by virtue of somebody booking the same thing together or whatever, so that it was covered. I think the process as I understand it wasn't all that bad. And I think the right people are up for the contract, but again that is my opinion.

**Councilman McGinn:** Mr. President, again I want to reiterate what I said at Redevelopment Commission and what I have said to several people who are connected with this. I want the playing field to be level. I want the committee that was selected to review all of this information to have the information. I don't know whether they have had this opportunity that we had to review this. I don't know. I can tell you that this packet from SMG and this packet from VenuWorks, they have a letter signed by representatives of the same company saying that they are the greatest thing since sliced bread. It's not our decision to determine what is correct. The information should be brought before the committee that was selected by the Mayor, Mr. Kish, however it was done, they look at the information, all of the information available, weigh their decision, present it to the Redevelopment Commission. My concern is that because this procedure was elected, it has to follow the Open Door Rules. Anything that is a gray area, the law says follow the Open Door Rules. I have cajoled, begged, talked, pled and whatever else you want to call it and said have another meeting. Have all of this stuff brought in. Let the public come in and vent themselves so you have all of the information. Let's don't award a contract with this possibility, this risk, of improper notice and improper procedure hanging out there to make everything null and void and have a three or four year legal battle. The committee that was selected should have this information, they should have the input from any and every elected official or appointed official that wants to say something. I know it's extra work, but again, I know the people on that committee. They're decent people. They want to do the right thing. Let's give them information based upon proper notice so people can listen to it, so that they know their decision is a good one, and that the Redevelopment Commission, who will rely upon their decision, knows that they are doing what they think is the right thing. So just eliminate the risk. That's all. I'll say it again, eliminate the risk.

**Councilwoman Bredhold:** I received similar assurances from both SMG and VenuWorks that they would cooperate and do what was best for the city. I had a nice conversation with Bob Cavelleri from SMG Friday night, and he said that they were committed to downtown revitalization and as they continue to work on the Centre that they would continue to be. And I think that there are positives that could come out of competition between the two. As Councilman Adams said there are towns where they are already competing. What sort of diversity of entertainment will Evansville have when we have two companies who are competing in a friendly competition and doing the best they can for their structures and bringing in the best acts that they can, which hasn't been the case for the past twenty years. I think that our facilities have stood empty too often. I think the Victory has been particularly under utilized. And as someone who was in my twenties and thirties during that period, I was a little disappointed with what kind of entertainment options there were to offer. I'm enthusiastic about the assertive focus

that VenuWorks wants to bring to us. I think perhaps Evansville has not been the focus at all times with SMG because they have so many venues and so many places. So I won't be signing your letter and I'd like to see what VenuWorks can do.

**President Watts:** Anyone else on council? Anything else under Miscellaneous Business? Anyone in the audience have anything under Miscellaneous Business? Seeing none, we will move on to Committee Reports.

**COMMITTEE REPORTS:**

**ASD COMMITTEE:**

Nothing scheduled at this time.

**CHAIRWOMAN ROBINSON**

**FINANCE COMMITTEE:**

Re: Resolution C-2011-2

Date: February 28, 2011

Time: 5:10 p.m.

Notify: George Fithian/Carol McMichael

**CHAIRMAN FRIEND**

Approving amendment to the Chauffeurs,  
Teamster, and Helpers Union No. 215

Re: Resolution C-2011-3

Date: February 28, 2011

Time: 5:20 p.m.

Notify: Tom Barnett/Carolyn Rusk

Regarding Transfer or Exchange of Property  
with Vanderburgh County

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2010-23

Date: March 14, 2011

Time: 5:10 p.m.

Notify: Maria Worthington

**CHAIRWOMAN MOSBY**

Petition to vacate an alley  
between Walnut St. and Locust St.

**YOUTH SPORTS GRANT SUBCOMMITTEE MEETING:**

**Wednesday, March 9, 2011 --- Room 301--- 4:00 p.m. to 5:30 p.m.**

**Members:** Curt John (Chairperson), Dan McGinn, B.J. Watts, Don Walker, John Friend

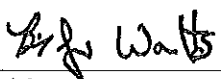
**YOUTH LEADERSHIP GRANT SUBCOMMITTEE MEETING:**

**Monday, March 14, 2011 ---- Room 318 ---- 4:00 p.m. to 5:00 p.m.**

**Members:** B.J. Watts (Chairperson), Dan McGinn, Wendy Bredhold, Dan Adams

**ADJOURNMENT**

Councilwoman Mosby moved and Councilman Friend seconded the motion to adjourn.  
Voice vote. So ordered. Meeting adjourned at 6:15 p.m.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Lynn Buhr, Deputy City Clerk

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**RECOGNITION OF SCHOOLS**

**READING AND AMENDMENT OF MINUTES**

**REPORTS AND COMMUNICATIONS**

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2011-2                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying, confirming authorizing and approving an amendment to the contract between the city of Evansville and Chauffeurs, Teamsters, and Helpers Local Union No. 215 January 1, 2010 through December 31, 2012

**RESOLUTION C-2011-3      FINANCE(FRIEND)                      ROBINSON/ADAMS**

A Resolution of the City Council of Evansville, Indiana regarding transfer or exchange of property with Vanderburgh County

**ORDINANCE R-2011-1                      TO APC                      C-4 & R-4 TO      C-4w/U&D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 931 W. Columbia St. and 809 & 811 N. 3<sup>rd</sup> Avenue

Petitioner:                      John Bassemier  
Owners:                      J B & A, Inc.  
Representative:                      John Bassemier  
District:                      B.J. Watts, Ward 6

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2010-20                      FROM APC                      R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 400, 402, 404, 408, 412, 414, and 416 Linwood Avenue and 415 S. Evans Avenue

Petitioner:                      St. Vincent de Paul, Inc. of Evansville, IN by Daniel R. Miller  
Owners:                      Audrey and Anthony Wilson  
Representative:                      Audrey Wilson  
District:                      Connie Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2010-20**

**FROM APC**

**R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 400, 402, 404, 408, 412, 414, and 416 Linwood Avenue and 415 S. Evans Avenue

Petitioner: St. Vincent de Paul, Inc. of Evansville, IN by Daniel R. Miller

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, February 21, 2011. The next City Council meeting will be Monday, February 28, 2011 at 5:30 p.m. Committee Meetings will begin at 5:10 p.m.

**Terry Bolin:** Speaking about Landlords' Water Bills

**ADJOURNMENT**

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

**ROLL CALL**

<u>✓</u> WALKER	<u>✓</u> FRIEND	<u>✓</u> MOSBY
<u>✓</u> JOHN	<u>✓</u> ROBINSON	<u>✓</u> MCGINN
<u>✓</u> ADAMS	<u>A</u> BREDHOLD	<u>✓</u> WATTS

There being 8 members present, 1 members absent, and      members representing a quorum, I hereby declare this session of Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance will be led by CURT JOHN.

Fellow Councilmen and those in the audience, welcome to the February 14, 2011 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

**TEEN ADVISORY COUNCIL**

CALEB HEIMAN ✓  
DOROTHY ENGLISH ✓  
BRYANT DAWSON

CLAIRE ALVREY ✓  
ELLEN KENDALL ✓  
JESSIE EARLE ✓  
NICK CAREL ✓  
KRISTEN LOEHR ✓  
SARAH CROWSON ✓  
TOMMY RIVER <sup>GRABER</sup> <sub>MEMBER</sub>

**COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer JOHN MONEEMERY is our Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the January 24, 2011 meeting of the Common Council as written?

Councilman JOHN moved and Councilman MOSBY seconded the motion that the minutes of the regular meeting of the Common Council held January 24, 2011 be approved as written. Voice vote. ✓ So ordered. ✓

**REPORTS AND COMMUNICATIONS**  
**IN YOUR FEBRUARY 11<sup>th</sup> PACKET:**

- \*City Council Agenda for February 14, 2011 meeting.
- \*Committee Meeting Schedule.
- \*Resolutions C-2011-2 and C-2011-3..
- \*Rezoning Ordinance R-2011-1.
- \*Minutes from the January 24, 2011 City Council Meeting.
- \*Minutes from January 13, 2011 Meeting of the Area Plan Commission.
- \*A copy of a letter from Councilman John to the members of the Evansville Redevelopment Commission.
- \*Evansville Redevelopment Meeting Minutes from January 19, 2011.

**ON YOUR DESK THIS EVENING:**

- \*A memo to City Council and Redevelopment Commission Members from Steve Peters, VenuWorks President.

Councilman ROBINSON moved and Councilman FRIEND

seconded the motion to receive, file and make these reports and communications a part of

the minutes of the meeting. Voice vote. ✓ So ordered. ✓

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2011-2                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville ratifying, confirming authorizing and approving an amendment to the contract between the city of Evansville and Chauffeurs, Teamsters, and Helpers Local Union No. 215 January 1, 2010 through December 31, 2012

**RESOLUTION C-2011-3    FINANCE(FRIEND)                      ROBINSON/ADAMS**

A Resolution of the City Council of Evansville, Indiana regarding transfer or exchange of property with Vanderburgh County

**ORDINANCE R-2011-1                      TO APC                      C-4 & R-4 TO C-4w/U&D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 931 W. Columbia St. and 809 & 811 N. 3<sup>rd</sup> Avenue

Petitioner:                      John Bassemier  
Owners:                        J B & A, Inc.  
Representative:              John Bassemier  
District:                        B.J. Watts, Ward 6

Is there a motion to adopt the Consent Agenda as written?

Councilman ROBINSON moved and Councilman JOHN seconded the

Motion to adopt the Consent Agenda as written. Voice vote. ✓ So ordered. ✓

*FREDERICK  
BROOKS  
CHAMBERS*

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2010-20**

**FROM APC**

**R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 400, 402, 404, 408, 412, 414, and 416 Linwood Avenue and 415 S. Evans Avenue

Petitioner: St. Vincent de Paul, Inc. of Evansville, IN by Daniel R. Miller  
Owners: Audrey and Anthony Wilson  
Representative: Audrey Wilson  
District: Connie Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning ordinances and to accept the Area Plan Commission Report?

Councilman MOSBY moved and Councilman WALKER seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered. Council now stands at Third Reading which is final action.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2010-20**

**FROM APC**

**R-2 TO C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 400, 402, 404, 408, 412, 414, and 416 Linwood Avenue and 415 S. Evans Avenue

Petitioner: St. Vincent de Paul, Inc. of Evansville, IN by Daniel R. Miller

DANIEL MILLER:

PRES WATTS

MCGINN

MILLER

MCGINN

MILLER

ROBINSON

ADAMS

ROBINSON

BS WATTS

Is there a motion to adopt Ordinance R-2010-20 and call the roll?

Councilman JOHN moved and Councilman FRIEND seconded the motion to adopt Ordinance R-2010-20 and call the roll.

**ROLL CALL**

☒ WALKER

☒ JOHN

☒ ADAMS

☒ FRIEND

☒ ROBINSON

☒ BREDHOLD

☒ MOSBY

☒ MCGINN

☒ WATTS

There being 9 Ayes and 0 Nays, Ordinance R-2010-20 is hereby declared  
ADOPTED DENIED.

### MISCELLANEOUS BUSINESS

There will not be a City Council meeting next Monday, February 21, 2011. The next City Council meeting will be Monday, February 28, 2011 at 5:30 p.m. Committee meetings will begin at 5:10 p.m.

**Terry Bolin** – Speaking about Landlords' Water Bills.

✓ TERRY BOLIN  
✓ JOHN HAMILTON  
✓ MISSY MOSBY  
✓ G.T. WATTS  
✓ HAMILTON  
✓ WATTS  
✓ MOSBY  
✓ FRIEND  
✓ WATTS  
✓ MCGINN  
✓ HAMILTON  
✓ MOSBY  
✓ BOLIN  
✓ MOSBY  
✓ ROBINSON  
✓ FRIEND  
✓ BOLIN  
✓ WATTS  
✓ MOSBY  
✓ ADAMS  
✓ HAMILTON  
✓ ADAMS - DIRECTS

✓ BOLIN  
✓ ADAMS  
✓ BOLIN  
✓ ADAMS  
✓ BOLIN  
✓ WALKER  
✓ MCGINN  
✓ WATTS

✓ WATTS - READ LETTER  
✓ MOSBY  
✓ WATTS  
✓ FRIEND  
✓ WATTS  
✓ BREDHOLD  
✓ WATTS  
✓ ADAMS  
✓ HAMILTON  
✓ ADAMS  
✓ MCGINN  
✓ BREDHOLD  
✓ WATTS

**COMMITTEE REPORTS:**

**ASD COMMITTEE:**

Nothing scheduled at this time.

**CHAIRWOMAN ROBINSON**

**FINANCE COMMITTEE:**

Re: Resolution C-2011-2

Date: February 28, 2011

Time: 5:10 p.m.

Notify: George Fithian/Carol McMichael

**CHAIRMAN FRIEND**

Approving amendment to the Chauffeurs,  
Teamster, and Helpers Union No. 215

Re: Resolution C-2011-3

Date: February 28, 2011

Time: 5:20 p.m.

Notify: Tom Barnett/Carolyn Rusk

Regarding Transfer or Exchange of Property  
with Vanderburgh County

**PUBLIC WORKS COMMITTEE:**

Re: Ordinance G-2010-23

Date: March 14, 2011

Time: 5:10 p.m.

Notify: Maria Worthington

**CHAIRWOMAN MOSBY**

Petition to vacate an alley  
between Walnut St. and Locust St.

*ADAMS WILL COVER FOR*

**YOUTH SPORTS GRANT SUBCOMMITTEE MEETING:**

Wednesday, March 9, 2011 --- Room 301--- 4:00 p.m. to 5:30 p.m.

Members: Curt John (Chairperson), Dan McGinn, B.J. Watts, Don Walker, John Friend

**YOUTH LEADERSHIP GRANT SUBCOMMITTEE MEETING:**

Monday, March 14, 2011 ---- Room 318 ---- 4:00 p.m. to 5:00 p.m.

Members: B.J. Watts (Chairperson), Dan McGinn, Wendy Bredhold, Dan Adams

**ADJOURNMENT**

Councilman MOSBY moved and Councilman FRIEND

seconded the motion to adjourn. Voice Vote. ✓ So Ordered. ✓

Meeting adjourned at 6:15 p.m.

# **CITY COUNCIL COMMITTEE MEETING SCHEDULE**

## **February 14, 2011**

**No Committee meetings**

City Council Meeting will begin at 5:30 p.m.

## **February 28, 2011**

### **FINANCE COMMITTEE:**

### **CHAIRMAN FRIEND**

Re: Resolution C-2011-2

Approving amendment to the Chauffeurs,

Date: February 28, 2011

Teamster, and Helpers Union No. 215

Time: 5:10 p.m.

Notify: George Fithian/Carol McMichael

Re: Resolution C-2011-3

Regarding Transfer or Exchange of Property

Date: February 28, 2011

with Vanderburgh County

Time: 5:20 p.m.

Notify: Tom Barnett/Carolyn Rusk

## **March 9, 2011**

### **YOUTH SPORTS GRANT SUBCOMMITTEE MEETING**

Date: March 9, 2011 (Wednesday)

Time: 4:00 p.m.

Room: 301 City Council Chambers

## **March 14, 2011**

### **YOUTH LEADERSHIP SUBCOMMITTEE MEETING**

Date: March 14, 2011

Time: 4:00 p.m.

Room: 318

### **PUBLIC WORKS COMMITTEE:**

### **CHAIRWOMAN MOSBY**

Re: Ordinance G-2010-23

Alley vacation Walnut Street and Locust Street

Date: March 14, 2011

in Donation Enlargement

Time: 5:10 p.m.

Notify: Maria L. Worthington



CITY OF EVANSVILLE  
OFFICE of CITY COUNCIL

Room 314 Civic Center Complex  
1 NW Martin Luther King Jr. Blvd.  
EVANSVILLE, INDIANA 47708

JONATHAN WEINZAPFEL  
MAYOR

ALBERTA MATLOCK  
CITY CLERK

DATE: February 14, 2011

TO: Members of the Evansville Redevelopment Commission, Room 310

FROM: Evansville City Council

RE: Arena Management Contract

The undersigned members of the Evansville City Council, are writing to express our concerns with the process of selection, and the recommendation made, of selecting a company to manage the new Evansville Arena.

Our concern is that the recommendation to select a new company, rather than to continue a long-standing relationship with SMG, will be detrimental to the interests of the City of Evansville and its citizens. Our concerns are based upon the following:

1. As recently as May 2010, the Mayor of the City wrote to SMG and indicated the City's desire and intention to enter into a new contract with SMG to operate the new arena, in conjunction with the Building Authority, with SMG having responsibility for events at the facility. The same letter describes SMG as *"a great company that can seize this opportunity and help our community meet all its objectives, including the achievement of diversity in all of its operations."*
2. Various third party organizations have indicated both their satisfaction of SMG's past and current services, and their recommendations for SMG to manage the new arena, including the Evansville Convention and Visitors Bureau, the head coach of the University of Evansville men's basketball program, the Guns & Hoses organization, Jack B. Schriber (Producer, Director, Actor), the Events Manager of the Evansville Courier & Press, NiteLite Promotions, Evansville Philharmonic Orchestra, County Commissioner Stephen R. Melcher, and Local 102 of the Theatrical Stage Employees and Moving Picture Machine Operators.

February 14, 2011

Page 2

3. The City (and County) have an established relationship with SMG, and we can be confident of what we can expect from them based upon the past record, and the experiences and recommendations of so many well-respected organizations and individuals.

We request that the Evansville Redevelopment Commission consider these concerns and recommendations, and obtain additional public input prior to approving any contract. We believe that further investigation and input will lead to the conclusion that continuing the City's long-term and proven relationship with SMG will be of greater benefit to the citizens of Evansville. We further recommend that the ERC consider an extension to SMG until July 1, 2012. This would provide a new City administration an opportunity to assess their performance, and then rebid the contract.

Respectfully submitted,

Be Ju Walter

\_\_\_\_\_

Wing Masley

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Signature]

\_\_\_\_\_

\_\_\_\_\_

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**Evansville Redevelopment Commission**  
**Wednesday, January 19, 2011**

---

A regular meeting of the Evansville Redevelopment Commission was held on Wednesday, January 19, 2011 at 8:30 a.m. in Room 307, Civic Center Complex, Evansville, Indiana.

**Attendance**

Commission members present: Jody Phillips, Bob Goldman, and Sara Miller. Also in attendance: DMD Staff – Tom Barnett, Jane Reel, Lana Abel, Joshua Calhoun, Sarah Howard, and Legal counsel – Brad Salmon. Commission members absent: Greg Elpers.

**Call to Order**

Mr. Goldman called the meeting to order pronouncing a quorum present.

**Approval of Minutes of December 21, 2010**

Mr. Phillips moved to approve the minutes. Ms. Miller seconded. The motion passed with 3 ayes and 0 nays. The minutes are attached and made part of these minutes.

**Approval of Minutes of January 4, 2011**

Ms. Miller moved to approve the minutes. Mr. Phillips seconded. The motion passed with 3 ayes and 0 nays. The minutes are attached and made part of these minutes.

**Design Approval Application**

Abby Waninger, GAGE, stated the Design Review Committee met on January 11, 2011 to consider an application submitted by Custom Designs and Mike O'Daniel on behalf of D-Patrick Downtown Ford, located at 500 Walnut St. The application requests permission to have all but two of their existing signs removed and replaced with 11 new signs. Ms. Waninger stated the Design Review Committee noted that internally lit signs are discouraged; however, since the application is seeking approval to replace existing internally lit signs with new the Design Review Committee agreed to approve the sign request. The application received a unanimous recommendation of approval. A letter was also submitted by Mr. O' Daniel pertaining to the timeline of completion for prior landscaping commitments and will be made part of this application for the record.

Ms. Miller inquired if the landscape design was identical to the previous landscape design or if they need to consider what the landscape comprises.

Ms. Abel stated that the landscape design referred to in the letter was for a prior approval from 2010. Mr. Goldman then inquired if D-Patrick was only planning to retro fit the existing signs and not adding new signs.

Ms. Kathy Tuley, Custom Signs, stated D-Patrick was only changing the existing signs.

Ms. Miller moved to approve the design application and Mr. Phillips seconded. The motion passed with 3 ayes and 0 nays.

**Arena Project**

**11-ERC-03 Approving Agreement with Kahn, Dees, Donovan & Kahn, LLP for Professional Services Related to the Negotiation and Preparation of a Contract with the Evansville Icemen**

Mr. Kish recommended that the Commission engage with someone who has a working knowledge of hockey and sports contracts.

Mr. Goldman asked if the resolution could include a not to exceed amount for the contract.

Mr. Salmon stated it is difficult to set a contract hour limit when we are uncertain about how long it will take, but if the Commission wanted to set a limit it could be done informally.

Mr. Goldman asked <sup>whether</sup> \$10,000 or \$30,000 would be acceptable for something of this nature.

Mr. Kish stated the contract negotiation should definitely be less than \$30,000 and he thinks \$25,000 is a reasonable amount.

*Not to Exceed*

**FILED**

**FEB 08 2011**

*Alberta Matlock*  
CITY CLERK

## Evansville Redevelopment Commission

Mr. Goldman also added that he has a relative in the Kahn Dees office and inquired about a conflict of interest.

Mr. Salmon stated that Mr. Goldman does not have a conflict of interest.

Ms. Miller then moved to approve Resolution 11-ERC-03. Mr. Phillips seconded. The motion passed with 3 ayes and 0 nays.

### Downtown Redevelopment Area

#### **11-ERC-04 Authorizing Seeking Bids for the Downtown Traffic Flow Changes**

Mr. Pat Keepes, City Engineer, stated if the Commission approves this notice to bidders today the construction would probably commence sometime in March. This phase of the project will reverse the flow of traffic on Main Street, and add left turning from Riverside onto Main Street and Walnut Street as well as allow left turns onto Riverside from Main and Walnut. Two way traffic on most of 5<sup>th</sup>, 3<sup>rd</sup>, Vine and Sycamore will be accomplished in phase I, which is already under contract and construction is ready to begin.

Ms. Miller inquired about the funding source for this project. Mr. Keepes stated that this phase will be 100 percent locally funded.

Mr. Goldman then inquired if A & F Engineering had completed their portion of the contract agreement.

Mr. Keepes stated once they have this out for bids A & F will be done with their portion of the project. Mr. Keepes also added that A & F will be doing the construction oversight of the improvements as well under another contract.

Ms. Miller then moved to approve Resolution 11-ERC-04. Mr. Phillips seconded. The motion passed with 3 ayes and 0 nays.

#### **11-ERC-05 Final RFP for Hotel Development**

Mr. Hans Steck stated this resolution authorizes a public notice to be published next Tuesday, January 25<sup>th</sup>, and February 2<sup>nd</sup>. Proposals will be received following the rules of the statute on February 8<sup>th</sup>, which is the shortest amount of time that a proposal can be received.

Mr. Goldman inquired to what extent the Commission is allowed to alter this offer if Aztar is unable to provide all of the funding.

Mr. Steck stated the Redevelopment Commission along with the consent of the proposer could always lower the amounts that will be coming from the City. He stated that if the Commission wanted to increase the offer then they would need approval and potentially have to re-advertise the proposal to give all proposers an opportunity to respond. Mr. Steck added that if the Commission receives proposals that are all non-conforming proposals then the Commission can negotiate with the best proposer, but it can't be done until 30 days after the proposals are submitted.

Ms. Miller inquired regarding the proposer's offers in Attachment C about all involved parties.

Mr. Steck stated that the development agreement has to be done prior to receiving funding from the City and has multiple contingencies. Mr. Steck stated once the development agreement is executed it means there is a deal, but there is still due diligence before the money is given out. He then stated in a situation like this the City's money and the developer's money would go into an escrow account and an escrow agent will determine how much money is taken out from each party.

Ms. Miller inquired about who would complete the due diligence.

Evansville Redevelopment Commission

Mr. Steck stated that at some point discussions may need to be had as to whether a consultant in the hotel industry needs to assist.

Ms. Miller inquired if it would be too much of a turn around to bump the response time back a little. Mr. Steck stated the response time for the proposal should be viewed different from that of the due diligence. Mr. Steck goes on to state if responses come back on February 8<sup>th</sup> and there are no request for changes, then the Commission could enter into the development agreement. By entering into the development agreement the Commission is not obligated to fund the development unless all the diligence and specification in the development agreement are met. Mr. Steck also stated the proposal time line he believes is needed to get the process moving.

Mr. Goldman inquired about the leases with the cell phone towers.

Mr. Kish stated the RFPs placed responsibility on the developer to resolve those issues, but to make the negotiations truthful we have had a very active role in the cell phone towers and the two tenants. Mr. Kish stated the cell phone towers are the big unknown but both AT&T and Verizon have been in contact with us. Verizon has exchanged documents with Mr. Salmon. Verizon's intention is to set up a temporary tower and then come back to set up on top of the new hotel. AT&T has a large building downtown and they just plan to move to that building.

Mr. Phillips inquired if there would be a restaurant included in the hotel.

Mr. Kish stated all of the hotel proposals had restaurants in them while the RFP only specified rooms and parking spaces.

Mr. Phillips then moved to approve Resolution 11-ERC-05. Ms. Miller seconded. The motion passed with 3 ayes and 0 nays.

Other Business

Ms. Abel stated the next step to implementing the changes to the design review process would be to have discussion at the next meeting.

Mr. Barnett stated that Steve Scott is going to the state to ask for a loan for the McCurdy hotel project and that is the last piece he needs in his financing.

With no further business to come before the Commission, Mr. Goldman adjourned the meeting.

Respectfully submitted,

  
\_\_\_\_\_  
Jody Phillips Secretary

## TO THE MEMBERS OF THE ERC

Dear Members,

I do not recall during my 16 years on Council coming before this Board to voice my opinion on any of your decisions. However, a very important decision is about to be made. Since your decision may be based on the opinions of appointed committee members, none of which have experience in the operation of an entertainment facility, I feel that you are entitled to other opinions from someone who has dealt with one of the companies for many years.

Some people may "interview" better than others and put a sales pitch to get the job, but one needs to take into consideration much more.

One of the first considerations must relate to the ability to perform and the financial stability to assure success. SMG greatly outshadows the other two companies in those areas.

But, equally important to the above are the thoughts of your customers. As every business person knows, the Customer Is Always Right. In this instance, the major users of Robert's Stadium have unanimously endorsed SMG as the company that should receive the Management Agreement for the new Arena. They include:

1. Evansville Convention and Visitors Bureau – "ECVB highly recommends that SMG Evansville be contracted to manage the new downtown Arena. " As the main Board charged with selling Evansville as an entertainment destination, this should carry great weight in the selection process.
2. University of Evansville coach Marty Simmons – "They do an outstanding job. The people are first class."
3. Theatrical Stage Employees – "Local 102 would like to recommend that the City take the necessary time to consider making sure SMG stay here in the City of Evansville."
4. 911 Gives Hope (Guns & Hoses) – "They have been informative, helpful and have done a good job at meeting out needs and we look forward to working with them in the future."
5. EVSC (Jack Schriber) – "This team is by far the most professional and accommodating."
6. Courier & Press (Carolyn Franklin) – "From an event management standpoint and as the Event Manager at the Courier and Press, I highly recommend SMG/Evansville and plan to continue our strong business relationship in the future."
7. Nitelite (Don Kronberg) – "We feel that SMG is by far the best private venue management company in the business....if another company were to take over, it would probably result in Nitelite doing less shows, if any at all, in the market."
8. Evansville Philharmonic Orchestra (Glenn Robert, Executive Director) – "I would endorse the selection of SMG to manage the arena based upon their experience managing the major local venues, working with local constituents and their knowledge of the Evansville and Tri-State market."

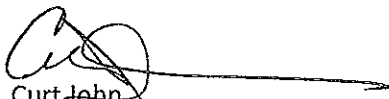
9. Vanderburgh County Commissioner Stephen Melcher -- "With the opening of the Evansville arena on the horizon, their (SMG) proven leadership and experience in the market is something that I feel is invaluable to our community at this crucial time.  
(See attached letters)

As you can see from these testimonials, they are from people who have walked the walk with SMG, not some opinion based on sales pitches or speculative promises. If you were interested in eating at a new restaurant, whose opinion would you give the most credence to....7 people who read about the menu and asked the owner if the food was good or 9 people who highly recommend it because they've eaten there many times and love the food and the service?

The choice should be clear. I can only hope that you, as members have done your own research on the 2 companies involved and are not basing your opinion on reports of a dirty toilet or some maintenance problem since that responsibility is now with the EVCBA. Your main concern at this time should be who can best fill the Arena with sports, conventions, concerts, etc. SMG, with over 200 facilities under management contract, has the experience, contacts and ability.

Please don't take this as criticism of the committee's efforts. I know they deliberated in good faith, I just don't believe they fully understand what to consider in determining what constitutes the best provider of the needed services. I appreciate their efforts, but disagree with their recommendation.

Please vote your own conscience.

  
Curt John  
Evansville City Council



## CITY OF EVANSVILLE

ONE N.W. MARTIN LUTHER KING, JR. BLVD. • ROOM 302  
EVANSVILLE, INDIANA 47708-1833  
(812) 436-4962 • FAX (812) 436-4966 • TDD/TTY (812) 436-4928  
[www.EvansvilleGov.org](http://www.EvansvilleGov.org)

OFFICE OF THE MAYOR  
JONATHAN WEINZAPFEL

May 3, 2010

Sandie Aaron  
201 East Gregory Street  
Pensacola, FL 32502

Dear Sandie:

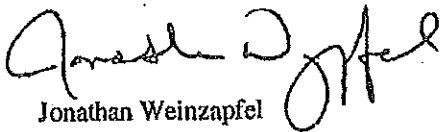
Thank you for your assistance in working with the City and the Evansville/Vanderburgh County Building Authority as the Building Authority assumes responsibility for the City employees assigned to the Victory Theatre and Roberts Stadium. As part of my commitment to the taxpayers, I continue to look for ways to achieve operating efficiencies. To that end, the Building Authority has assumed the responsibility for the City employees assigned to these two SMG operated facilities as well as the City employees at the C.K. Newsome Center. With the Building Authority's management and closer coordination between the Authority's efforts in the Civic Center and The Centre, we hope to realize a savings of hundreds of thousands of taxpayer dollars.

In the course of preparing the contract amendment needed to establish this new operating organization at the Victory and Roberts, the question has been raised about the City's intentions concerning the operation of the new arena being constructed downtown, across from the Civic Center and The Centre. With the arena's location, it makes perfect sense to continue to coordinate the operation of these public facilities. Confirming what has been previously communicated to you, it is our intention to enter into a new contract with SMG to operate the new arena, in conjunction with the Building Authority. Specifically, we envision SMG having responsibility for events at the facility and the Building Authority operating the building systems.

I understand that there are many details to be negotiated. Because of the tax-exempt funding behind the new arena and various parking configurations, we cannot simply apply the existing Roberts Stadium contract to the new arena. The new arena also offers the City a once-in-a-lifetime opportunity to promote the revitalization of downtown. To that end, we hope you will soon provide SMG's proposal for staff to be assigned to Evansville who have experience with the opening and operation of similar facilities. We look forward to receiving your proposal for an investment in the facility, much as you invested in Roberts with the last award of that contract.

We know that SMG is a great company that can seize this opportunity and help our community meet all of its objectives, including the achievement of diversity in all of its operations. I look forward to the opportunity to review your proposal for the management of the new arena.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jonathan Weinzapfel". The signature is fluid and cursive, with the first name "Jonathan" written in a larger, more prominent script than the last name "Weinzapfel".

Jonathan Weinzapfel  
Mayor

Todd Denk

---

From: Sandie Aaron [saaron@pensacolaciviccenter.com]  
Sent: Tuesday, July 27, 2010 2:38 PM  
To: Todd Denk  
Subject: FW:

-----Original Message-----

From: Sandie Aaron  
Sent: Thursday, July 22, 2010 3:29 PM  
To: 'Dave Rector'  
Subject: RE:

I don't know. Todd is really concerned that your guys might be having issues with Kevin McAlister. I'm just trying to get to the bottom of it. If you get anything less than satisfaction from any of our people, I want to know about it and I assure you it will be addressed. And yes, I am looking forward to our meeting on the 3rd. Hope all is well with you.

-----Original Message-----

From: Dave Rector [mailto:director@evcba.org]  
Sent: Thursday, July 22, 2010 3:29 PM  
To: Sandie Aaron  
Subject: RE:

What issues. I think we are all meeting with mayor in early August to discuss contract

-----Original Message-----

From: Sandie Aaron [mailto:saaron@pensacolaciviccenter.com]  
Sent: Thursday, July 22, 2010 12:35 PM  
To: David Rector  
Subject:

Hi Dave,  
Do we need to talk? I heard there are issues with us. Please advise

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.851 / Virus Database: 271.1.1/3031 - Release Date: 07/27/10 01:09:00

<!--[if X-UA-Compatible]> <![endif]-->

[Home](#) > [News](#) > [Burnsville](#) > [Accountant, council take PAC management to task](#)

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## Accountant, council take PAC management to task

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Posted under [Burnsville, News](#) on Thursday 13 May 2010 at 1:15 pm

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### VenuWorks pledges compliance with required procedures

by John Gessner  
Thisweek Newspapers

At least one City Council member is seething over a report finding fault with management procedures at the Burnsville Performing Arts Center.

Another wondered aloud at a May 11 work session whether it's time to consider dumping management company VenuWorks at the end of its two-year contract with the city.

Council members say they're eagerly awaiting a midyear update showing whether the Iowa company has reached compliance with procedures defined in its contract.

In a March report, accounting firm MMKR found fault with VenuWorks' handling of 23 of 30 procedures in accounting, financial reporting and contract compliance.

The review, covering first-year operations ending last Dec. 31, is required under the city's contract with VenuWorks, which pays the company an annual \$120,000 management fee in addition to staff salaries.

"They failed to comply with their own (procedures) manual ... which became part of their contract," City Manager Craig Ebeling said. "They failed to comply, in some respects, with their own manual."

Council Member Charlie Crichton raised the issue May 11, saying a report that had been discussed one-on-one between Ebeling and individual council members deserved a full council airing.

"Because if I read a report like that on the operation of the city management structure, I'd be raising hell," Crichton said angrily. He questioned whether the company should be allowed to "apologize and still keep their job."

VenuWorks' contract expires at the end of this year.

"At what point do we as a council take a look at another option?" Council Member Dan Kealey asked, adding that VenuWorks has a chance to redeem itself.

"They know that they're fighting to hold onto something that they have, and that can bring

out the best in somebody," he said.

A June 30 update will show whether the company has fixed the problems, Ebeling said.

The report comes at a time when city officials and VenuWorks are already under fire for losing more money on arts center operations than budgeted. The council is forming an advisory commission to help it get a better handle on operations and generate ideas to attract more users.

"We're under a lot of political pressure," Council Member Mary Sherry told colleagues. "I'm sure you're all aware of that."

Shortcomings revealed in the accountants' report ranged from late payment of credit-card bills to incomplete documentation to paying bills from the wrong account.

In one case, it said, an employee expense reimbursement for \$1,431.82 included documentation for only \$1,058.92 in expenses.

MMKR found that differences between reported sales and cash deposited that total less than .5 percent of sales were being reported as increases or decreases in facility revenue. They should have been deducted from VenuWorks' management fee.

Accountants audited 25 events at the center for credit checks and other compliance. They found no credit checks for any of the clients renting the center. Seven of them didn't have a certificate of insurance on file. In two cases, rent was not charged. "There was not any documentation on file" giving a reason, as required, the report said.

Twelve of the 25 events lacked required signatures on post-ticket-sale "settlement sheets," the report said.

MMKR's examination of 25 cash disbursements from the center's operating account showed that five were event-settlement payments, which are required to come from the box office account, not the operating account. Two were non-event expenditures without a completed and approved purchase order. Two paid a different amount than the invoice amount, without documentation or proper approval. Four were paid before approval and reimbursement by the city, and invoices sent to the city included only a description, not a vendor name or invoice number.

MMKR reviewed 20 vendors that do business with the center and found that the center didn't have required tax information on file for any of them.

All indications suggest VenuWorks is working to fix the problems, said Tammy Omdal, deputy city manager and chief financial officer.

"Measures to correct any severe control deficiencies will be taken immediately," the

company wrote in its responses to the report. Other steps will begin "immediately," it said.

Burnsville resident Warren Hartwell added his displeasure at the work session.

"I am very concerned and very disturbed as a citizen and investor," he said.

John Gessner is at [burnsville.thisweek@ecm-inc.com](mailto:burnsville.thisweek@ecm-inc.com).

---

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0

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Be the first of your friends to like this.

RSS feed for comments on this post.

Sorry, the comment form is closed at this time.



November 18, 2010

Mr. Todd Denk  
SMG-Evansville  
715 Locust Street  
Evansville, IN 47708

Re: Letter of Support

The Evansville Convention & Visitors Bureau has been associated with the management group, SMG Evansville, for over a decade. Our working relationship has entailed interaction with the management team, sales professionals and, in some instances, the operations staff. Without exception, their performance has exceeded our expectations by consistently providing outstanding service.

Based on these experiences the Evansville Convention & Visitors Bureau highly recommends that SMG-Evansville be contracted to manage the new downtown Arena.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Whitehouse", with a long horizontal flourish extending to the right.

Bob Whitehouse  
Interim Executive Director



## UNIVERSITY OF EVANSVILLE

### *Men's Basketball*

1800 Lincoln Avenue  
Evansville, Indiana 47722  
812-488-2762  
Fax: 812-488-1098  
[www.gopurpleaces.com](http://www.gopurpleaces.com)

November 17, 2010

Mr. Todd Denk  
SMG  
715 Locust Street  
Evansville, IN 47708

Dear Todd,

I've worked with SMG since 1991. They do an outstanding job.  
The people are first class. Any issue or problem is always  
handled in an efficient manner.

Thank you,

*Marty Simmons*  
Marty Simmons  
Head Basketball Coach



UNIVERSITY  
OF  
EVANSVILLE

Civic Mission... Sacred Trust



ACHIEVING EXCELLENCE ★ CHAMPIONSHIP TRADITION ★ INTEGRITY

## UNIVERSITY OF EVANSVILLE

### *Men's Basketball*

1800 Lincoln Avenue  
Evansville, Indiana 47722  
812-488-2762  
Fax: 812-488-1098  
[www.gopurpleaces.com](http://www.gopurpleaces.com)

March 9, 2010

Todd Denk  
Robert's Stadium  
2600 E. Division Street  
Evansville, IN 47711

Dear Todd,

With another season behind us, I just want to take a moment to let you know I thought the maintenance staff at Robert's did a great job. The locker room was always clean and well taken care of and the floor was always ready to go.

I just wanted to let you know I thought they did a great job.

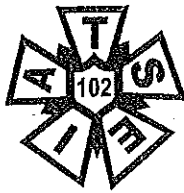
Sincerely,

Marty Simmons  
Head Basketball Coach



UNIVERSITY  
OF  
EVANSVILLE

*Civic Mission... Sacred Trust*



International Alliance of  
**Theatrical Stage Employees and Moving  
Picture Machine Operators**  
Of the United States and Canada  
Local No. 102, INC.  
Affiliated with the American Federation of Labor  
Evansville, Indiana

To Whom It May Concern:

SMG has provided the City of Evansville with a very valuable service. They have brought in some very well known performers such as Kenny Chesney, Cher, Carrie Underwood and many more. SMG has been in business since 1977 and manages over 200 venues worldwide. With the experience and worldwide connections SMG has, they have been able to provide the City of Evansville with shows, conventions, and broadways some of which spend several days here in our fair city. The revenue generated by the services of which SMG provides has greatly helped the City of Evansville grow.

I.A.T.S.E. Local 102 works very close with SMG and also benefits from the services they provide. Local 102 has worked with SMG since they have been managing all the venues in Evansville. We have noticed that the business of stage work has greatly increased since SMG has been in Evansville. They have maintained a professional working relationship with Local 102 making sure the Local has the necessary help and equipment it needs to provide a professional service; that in conjunction with SMG's services will hopefully continue to bring in many top notch shows to the City of Evansville. Local 102 would like to recommend that the City take the necessary time to consider making sure SMG stay here in the City of Evansville.

Thanks for your consideration,

Local 102 Executive Board

President: Rubal J. Mills

Trustee: Bill Le

Vice President: JOSEPH NEUMANN

Trustee: John Scott

Business Agent: Steven L. Vainman

Trustee: Lyn A. Hill



# 911 GIVES HOPE™

## GUNS & HOSES / MUSIC FOR MICKEY

P.O. BOX 3644, EVANSVILLE, IN 47735

### Board of Directors

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EPD Officer  
812-449-9816

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HFD Firefighter  
812-430-0546

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EFD Inspector  
812-459-1950

Paul Kirby  
EPD Sergeant  
812-319-9156

Patrick Phernetton  
EPD Officer  
812-454-4208

Chris Reiter  
EFD Firefighter  
812-431-3328

November 16, 2010

To whom it may concern,

We have held our Guns & Hoses charitable boxing matches at Roberts Municipal Stadium the past two years. As a charitable organization, our hope is that whoever wins the new contract will work with all charitable organizations in the way that SMG has with us. We have enjoyed a very good working relationship with the members of the Evansville SMG team. They have been informative, helpful and have done a good job at meeting our needs and we look forward to working with them in the future.

Respectfully,

The Board of Directors

911 Gives Hope



Office of Administration  
1 Southeast Ninth Street, Evansville, Indiana 47708  
Phone (812) 435-8453  
[www.evscschools.com](http://www.evscschools.com)

Department of Metropolitan Development  
One Northwest ML King Blvd.  
Room 306  
Evansville, IN. 47708  
ATTN: Arena Committee

Jack B. Schriber  
Community Resource Specialist  
1 Southwest Ninth Street  
Evansville, IN. 47708

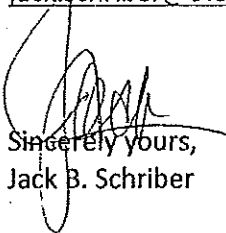
Dear Committee Members,

This letter of support is written on behalf of SMG Management, currently the manager of the Centre, the Victory, Mesker Amphitheater, and Roberts Stadium.

For the past thirty years it has been my distinct pleasure to work in these facilities as a Producer, Director, and Actor. Renovations have occurred and management teams have come and gone. This team is by far the most professional and accommodating.

When you sign a contract everyone knows what to expect, and that it will be followed accurately. The staff is friendly, accommodating, and dependable. You could not expect or wish for more.

You have my strongest possible endorsement. For further details contact me at [jack.schriber@evsc.k12.in.us](mailto:jack.schriber@evsc.k12.in.us), or 812 435 0525.



Sincerely yours,  
Jack B. Schriber

The logo for the Evansville Courier & Press. It features a small graphic of a building facade to the left of the word "Evansville" in a small serif font. Below "Evansville" is the word "COURIER&PRESS" in a large, bold, serif font.

November 17, 2010

RE: SMG/Evansville – Worldwide Entertainment and Conference Venue Management

To Whom It May Concern:

The Evansville Courier & Press presents multiple events throughout the year focused on the business and consumer marketplace. These events include the 64<sup>th</sup> annual Heritage Federal Credit Union Home Show, the Wedding & Prom Showcase, Women Today/Evansville Women's Conference and many other smaller events. The majority of these events are large in size; therefore, it is necessary to use Roberts Stadium as well as The Centre. The future success of our events is linked intricately to these facilities as well as the new arena.

This letter is to inform you of our working relationship with SMG/Evansville. As a facility management organization, SMG brings a vast array of expertise and experience to the table. The personnel in Evansville are and have always been excellent. It is a pleasure to work with people at SMG who know how to assist with event planning and execution. I highly recommend SMG/Evansville and their facilities to others when asked about events in the market.

When using the facilities for our events, we have experience in almost all areas of the current buildings. At the Centre, we have presented shows in the exhibit hall, the ballroom, the auditorium and the meeting rooms. We have worked closely with the catering staff, event planners, concessions, business and accounting departments, executives and management staff, as well as the teamsters/union. At Roberts Stadium, the same list of personnel applies as well. Our experience at both facilities has been excellent. Essentially, we have done business with all areas of SMG in Evansville and we are very pleased with our business relationship in all areas. It truly is a pleasure to work with SMG in Evansville and the expertise they present.

Evansville and the surrounding region need a facility management group that has the buying power and the expertise in drawing and retaining talent for concerts, trade shows, conferences and sporting events. SMG/Evansville has this exact combination. It is crucial with a new arena opening within a year to retain the caliber of SMG as an organization as well as the SMG Evansville personnel who know this market and the business community. Event management has many facets to it and Evansville is beginning a new chapter with facility availability. The local experience and expert personnel knowledge of SMG/Evansville along with SMG's overall national buying power is a complete package and will truly make the difference on the success of the new arena.

From an event management standpoint and as the Event Manager at the Courier & Press, I highly recommend SMG/Evansville and plan to continue our strong business relationship in the future.

Sincerely,

*Carolyn Franklin*

Carolyn Franklin

Event Manager

Evansville Courier & Press

300 East Walnut

Evansville, IN 47713

(812) 464-7658

franklinc@courierpress.com



Evansville Redevelopment Commission  
1 North West Martin Luther King Blvd.  
Room 306  
Evansville, IN 47708

November 17<sup>th</sup>, 2010

To whom this concerns:

Please accept this letter of recommendation for SMG and its local General Manager, Todd Denk. Our company, NiteLite Promotions, has enjoyed promoting shows in the Evansville market with Sandi Aaron, John Bolton, and Todd for more than 15 years. In addition, we feel that SMG is by far the best private venue management company in the business. SMG's management and booking philosophies are second-to-none, and as a result, NiteLite produces many shows on a yearly basis with this company. With regards to Evansville, we feel that if another management company were to take over, it would probably result in NiteLite doing less shows, if any at all, in the market. Mr. Denk and his team are great people to work with, and we look forward to every opportunity we have to bring business to Evansville and their building.

Please feel free to contact me with any questions you have regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Kronberg", written over a horizontal line.

Don Kronberg  
President  
NiteLite Promotions



P.O. BOX 84, EVANSVILLE, IN 47701-0084

Glenn Roberts, Executive Director

530 Main St. • PO Box 84  
Evansville, IN 47701-0084  
(812) 425-5050 • (812) 426-7008 fax  
evphil@evansvillephilharmonic.org  
www.evansvillephilharmonic.org

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Life Member  
Helen McKinney,  
Life Member  
Jonas Thoms,  
Orchestra Representative  
Rev. Robert Reinhardt,  
Chorus Representative  
Rose Young,  
Mayor's Office  
Representative

November 19, 2010

Department of Metropolitan Development  
306 Civic Center Complex  
One N.W. Martin Luther King, Jr. Blvd.  
Evansville, Indiana 47708

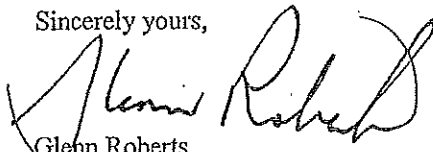
To Whom It May Concern:

This is a letter of recommendation to support SMG Evansville's proposal to manage the new arena.

In my capacity of Executive Director of the Evansville Philharmonic Orchestra (since 2005) I have worked with SMG's management in that we rent the Victory Theatre for our rehearsals and performances. I have found them, on the whole, to be very fair and accommodating towards us as renters.

I would endorse the selection of SMG to manage the arena based upon their experience managing the major local venues, working with local constituents, and their knowledge of the Evansville and Tri-State market.

Sincerely yours,

  
Glenn Roberts  
Executive Director

cc: Todd Denk, SMG General Manager



#### Advisory Board

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Vince Bertram  
Niel Ellerbrook  
John D. Engelbrecht  
Timothy Flesch  
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John C. Schroeder  
Thomas W. Traylor  
Mayor Jonathan Weinzapfel  
Linda E. White



VANDERBURGH COUNTY

STATE OF INDIANA

November 17, 2010

Evansville Redevelopment Commission  
Department of Metropolitan Development  
1 NW Martin Luther King Jr. Blvd, Room 306  
Evansville, IN 47708

To Evansville Redevelopment Commission members:

I would like to express my support and confidence in SMG as the management company for the new Evansville arena.

In my dealings with the staff of SMG over my years as a city councilman, and the last two years as county commissioner, they have been very accessible, professional, and accommodating to any needs or concerns that I may have had.

With the opening of the Evansville arena on the horizon, their proven leadership and experience in the market is something that I feel is invaluable to our community at this crucial time.

Sincerely,

A handwritten signature in cursive script, reading "Stephen R. Melcher".

Stephen R Melcher

Vanderburgh County Commissioner



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4611 Mortensen Road Suite 111 Ames, IA 50014 [www.venuworks.com](http://www.venuworks.com)

Ph: 515-232-5151 Fax: 515-663-2022

## MEMORANDUM

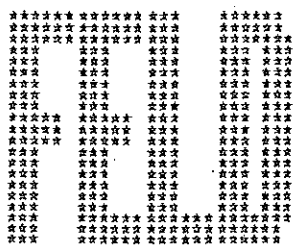
February 12, 2011

TO: Members of Evansville City Council,  
Evansville Redevelopment Commission

FR: Steve Peters, VenuWorks President

Attached please find several letters of reference we have collected over the years from satisfied clients, show producers, promoters and other industry professionals with whom we have had the honor to work. The reputation of a company is built, not on what that company says about itself, but on what others say about it. We are proud of the reputation we have built in the sports and entertainment industry over the past fifteen years. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Steve Peters". The signature is fluid and cursive, with the first name "Steve" and last name "Peters" clearly distinguishable.



ENTERTAINMENT, INC.

July 6, 2010

Mr. Steve Peters  
VenuWorks  
4611 Mortensen Rd., Suite 111  
Ames, IA 50014

Dear Mr. Peters:

Feld Entertainment's continued success within this competitive industry has been reliant upon our close relationships with arena operating partners, such as VenuWorks. We have had many successful engagements with VenuWorks managed facilities throughout North America, and look forward to many more in the future.

The management team at VenuWorks has consistently offered experience, professionalism, and outstanding service at all their managed venues. Feld Entertainment looks forward to continuing our relationship with VenuWorks and bringing the best live family entertainment in the years to come.

As you know, Feld Entertainment, Inc. is the world's leading producer of live family entertainment that life the human spirit and create indelible memories, and is the parent company of *Ringling Bros. and Barnum & Bailey*® and *Disney On Ice*<sup>SM</sup>, *Disney LIVE!*, and *Feld Motor Sports*. Feld Entertainment's productions have appeared in more than 60 countries on six continents with over 30 million people in attendance each year.

Sincerely,

Mark R. Duryea  
Vice President  
North American Routing and Tours

July 1, 2010

To Whom It May Concern,

Steve Peters, President of VenuWorks, has asked me to write a letter of recommendation. I have had the pleasure of knowing Steve since the early 1990's beginning with his time at the Target Center in Minneapolis. I followed Steve's career as he successfully started VenuWorks. Steve, and VenuWorks, enjoy excellent reputations in the industry.



800 LaSalle Avenue  
Suite 1750  
Minneapolis, MN 55402

612-375-9670  
fax 612-375-9135

[www.vee.com](http://www.vee.com)

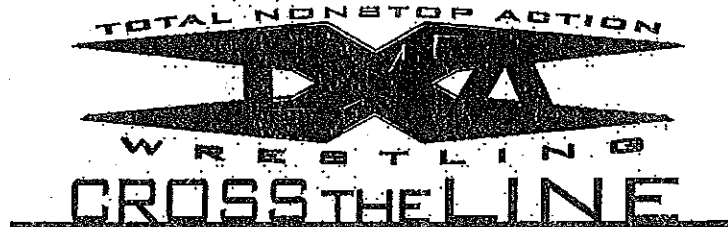
VEE Corporation has played many engagements in venues managed by VenuWorks. With three Sesame Street Live tours, Curious George Live tour, and Barney Live in Concert operating in our 2010-2011 touring season – playing well over 200 venues in North America – VEE Corporation would happily entertain the opportunity to expand our strong relationship with VenuWorks.

I am pleased to recommend VenuWorks, and am confident that Steve Peters and his team will bring a high level of professionalism and integrity to the management of any facility.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Vincent E. Egan', with a long horizontal line extending to the right.

Vincent E. Egan  
President  
VEE Corporation



June 30, 2010

VenuWorks  
4611 Mortensen Rd. Suite 111  
Ames, IA 50014

To whom it may concern,

TNA Wrestling is the 2<sup>nd</sup> largest professional wrestling organization in the world, which is seen in over 100 countries around the world and holds over 90 Live events per year in the US. We are seen every Thursday night on Spike TV by 1.3 million viewers.

TNA Wrestling's continued success and growth in the Family/ Sports Entertainment industry is in direct correlation to our solid relationships with venues and venue managers, such as VenuWorks. We have had many successful events in VenuWorks managed facilities and will continue to seek out their venues for future events.

The VenuWorks management team has decades of venue experience, are service oriented and great to work with. I look forward to my continued relationship and future endeavors with VenuWorks.

Sincerely,

A handwritten signature in black ink that reads 'Mike Krawson'.

Mike Krawson  
Director of Touring  
TNA Wrestling



PUBLIC FACILITIES DISTRICT

*Kennewick, Washington*

November 26, 2007

To Whom It May Concern:

It is my pleasure to write this letter of recommendation for VenuWorks, a facilities management company from Ames, Iowa.

The Kennewick Public Facilities District (KPFDD) owns and operates the 75,000 square foot Three Rivers Convention Center in Kennewick, Washington, one of three cities in the Tri-Cities community. The convention center was opened in June 2004. We also operate the Toyota Center, (a coliseum) and the Toyota Ice Arena through an Interlocal Agreement with the owners, the City of Kennewick.

The KPFDD contracted with VenuWorks to manage the convention center in October 2003 and extended the contract to include the Toyota Center and Toyota Arena on June 1, 2004.

Since those dates, the KPFDD and VenuWorks have enjoyed a good and mutually beneficial relationship. Our Board of Directors consists of five members who are all heavily involved in leadership in the Tri-Cities' community. Mr. Peters, the President of VenuWorks, and his management teams have wisely welcomed the active participation of the members of the board in running these three facilities.

The beautiful Three Rivers Convention Center is viewed by the citizens of the Tri-Cities as a terrific asset to our community, in large part due to the abilities of VenuWorks' management to market and manage the facility.

The Toyota Center is an older coliseum and was in need of many improvements when VenuWorks assumed its management. They have been instrumental in accomplishing many stages of renovation with more still in the planning.

VenuWorks helped us to retain our ice hockey team with a long-term extension of their contract and was instrumental in securing an indoor football team that has become extremely popular with our community.

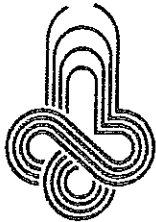
Due to their intense focus on promoting the Toyota Center as a hub for activity, we now have a Broadway series including, but not limited to, Jesus Christ Super Star, Cats, Hair Spray, and Rent. As a result of VenuWorks bringing in these shows and other top name entertainers, the citizens of Southeastern Washington now view the Toyota Center as a place to go for good entertainment.

We are pleased with VenuWorks and have enjoyed working with them in the management of our facilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Strawn". The signature is written in dark ink and is positioned above the printed name and title.

Dean Strawn  
President



RiverCenter  
Adler Theatre

18 June 2008

Mr. Steve Peters, President  
VenuWorks  
P.O. Box 625  
Ames, IA 50010

Dear Mr. Peters:

As chair of the RiverCenter/Adler Theatre Advisory Board, it is a pleasure to provide a letter of commendation for VenuWorks.

The facilities under VenuWorks management continue to operate most successfully, and are considered by the community as two of its most important amenities.

VenuWorks recognizes the importance of strong community relations by seeking the regular input of citizen advisory groups and encouraging participation by staff in a wide range of community activities.

The RiverCenter/Adler Theatre Advisory Board looks forward to a continued favorable relationship with VenuWorks.

Respectfully,

Bobbi Rogalski, Chair  
RiverCenter/Adler Theatre Advisory Board



June 23, 2008

Mr. Steven L. Peters  
President  
VenuWorks, Inc.  
Park Plaza Building, Suite 200  
6<sup>th</sup> and Duff Street  
Ames, Iowa 50010

Dear Mr. Peters:

Ameristar Casino Hotel is pleased to offer this letter of endorsement for VenuWorks, Inc.

Our Ameristar Team at the Vicksburg, Mississippi property has worked closely with VenuWorks team on several events at the Convention Center as well as projects that benefit the community. Although there are other choices of meeting and banquet spaces available in the Vicksburg area, Ameristar consistently books our Team Member events at the convention center because time and again they go out of their way to accommodate our specific needs and ensure that we have an excellent experience at their facility. Their professional demeanor, expert venue management skills and enthusiastic approach to getting involved at all levels is a credit to the VenuWorks corporate office.

Each and every staff member we have worked with not only delivers their products and services well but they also manage to seamlessly weave themselves into the fabric of our community. It is readily apparent through their active involvement in the Chamber of Commerce, Community Alliance, Annual Festival of Trees, The 4<sup>th</sup> of July City celebration, Jazz Festival, RiverFest, etc. This is extremely important in our team approach at Ameristar and is refreshing to find the same attitude with our partners at the Vicksburg Convention Center and the Vicksburg Auditorium.

Please feel free to contact me if you have any questions or desire additional information.

Sincerely,

Ray Nielsen  
Chairman of the Board





Hoyt Sherman

P L A C E

1501 WOODLAND AVENUE | DES MOINES | IOWA | 50309 | WWW.HOYTSSHERMAN.ORG | TEL 515-244-0507 | FAX 515-237-3582

June 24, 2008

Steve Peters  
President  
VenuWorks Management Co., Inc.  
103 E. 6<sup>th</sup> Street; Park Plaza Bldg., Suite 625  
Ames, IA 50010

Dear Steve,

On behalf of the Board of Directors of Hoyt Sherman Place Foundation I would like to extend my appreciation and thanks for the expertise, direction, resources and commitment your management company has brought to Hoyt Sherman Place over the past 2 years.

After the completion of our theater's restoration and renovations, we struggled to find the appropriate individual to lead this historic theater and carve out a niche for regional and national performing artists. At the suggestion of a HSPF board member, we initiated a conversation with you and then, Compass Facility Management Inc. At the time we were not fully convinced that a venue management company was the solution. Your team of management professionals made a site visit, evaluated our current situation and presented a proposal which mapped out a success strategy for the future of Hoyt Sherman Place as a mid-sized performing arts venue.

As a result of this management agreement, our event mix has grown and relationships have been forged with artists, managers and promoters from throughout the country. Industry expertise has also opened up revenue streams which did not exist prior to our affiliation with Venuworks.

Overall, the board of directors of Hoyt Sherman Place Foundation is enthusiastic and pleased with VenuWorks and their management of the theater. We look forward to a continued relationship and we would welcome any opportunity to share our experiences with prospective clients.

Sincerely,

Fred Weitz  
President  
Hoyt Sherman Place Foundation



# Topeka Performing Arts Center



June 17, 2008

To Whom It May Concern:

On behalf of the TPAC Board of Directors, I would like to thank Steve Peters and VenuWorks for their contributions to performing arts in Topeka.

Topeka is a third tier market in spite of being located less than an hour away from the two largest universities in the state and the largest metropolitan area in two states - Kansas and Missouri. For years we struggled as an organization to clearly define our role.

With the help of VenuWorks, we have made great strides. We have diversified our programming, identified our target audiences, streamlined our budget, reduced our spending and yet, enhanced the quality of life not only in Topeka, but in the surrounding communities as well.

Thank you Steve Peters and VenuWorks for a job well done!

Most Sincerely,

Jeff Hestand

President

Board of Directors

Topeka Performing Arts Center

214 SE 8th Avenue | Topeka, KS 66603  
Phone: 785-234-2787 Fax: 785-234-2307 [www.tpactix.org](http://www.tpactix.org)



June 13, 2008

VenuWorks, Inc.  
P.O. Box 625  
Ames, IA 50010

RE: Reference

The City of Kennewick, WA has a strong partnership with VenuWorks, Inc. in their role as management overseeing operations of three public facilities on our Three Rivers Campus. Those facilities are the Three Rivers Convention Center (70,000 square foot relatively new facility), the Toyota Center (6,000 seat events center) and Toyota Arena (built as practice hockey rink - used as such and for smaller events). As CEO of VenuWorks, Steve Peters is a regular and welcome visitor to Kennewick where he has infused the VenuWorks management model and completely turned business around to the positive for these public facilities. His staff is led by Executive Director Jeff Kossow, who, along with his family, has in a relatively short tenure here won over and become an integral part of our community.

When we originally chose VenuWorks Inc. in 2004 (previously Compass Management Inc.) to manage our facilities, the community, with the exception of a small group of hockey enthusiasts, certainly didn't look to those facilities as a "place to be" and the financial bottom line drove home that point to City officials on a regular basis. However, we were very encouraged by the potential the VenuWorks folks recognized and after a transition period where they methodically followed their proven business model, I'm proud to say that it is now common to see full parking lots and community energies (with their associated dollars) on our Three Rivers Campus.

I highly recommend VenuWorks and we'd love to have you come out to our great city and experience the excitement they have helped to create. You'll want to bring along a few extra dollars to spend as there are plenty of options for you now.

Sincerely,

Robert R. Hammond  
City Manager



18 June 2008

Mr. Steve Peters, President  
VenuWorks  
P.O. Box 625  
Ames, IA 50010

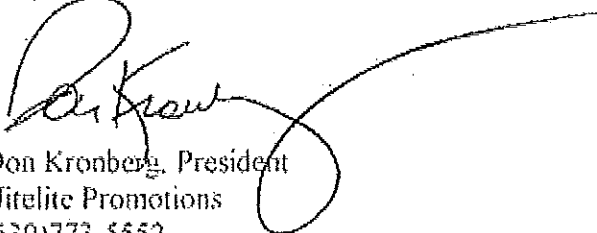
Dear Mr. Peters

I am pleased to provide this letter of endorsement for the services of VenuWorks of Davenport, LLC, with whom I have worked for the last ten years.

Nitelite Promotions appreciates and benefits from the considerable business and human resources at our disposal with VenuWorks. The corporate team is always a pleasure to work with, as they prove to be highly skilled and attentive to our needs for every event. As a prominent promoter throughout the Midwest, we can assure that this team is amongst the very best we have encountered. When considering what buildings we would like to bring a show to, the accommodation of the staff is a top factor, and this staff is a major reason we continue to return to Davenport. From the booking process to the box office to the marketing department and production team, everyone contributes to ensure that the event will be a successful one.

We are happy to recommend VenuWorks to others who are seeking a venue with a team of dedicated, experienced individuals who work to bring the audience the best entertainment experience possible.

Respectfully,



Don Kronberg, President  
Nitelite Promotions  
(630)773-5552

Department of Athletics  
Hyslop Sports Center, Room 120  
2751 Second Avenue North Stop 9013  
Grand Forks, ND 58202-9013  
Phone 701-777-2234  
Fax 701-777-2285

June 25, 2009

Mr. Steven L Peters  
President  
VenuWorks  
4611 Mortenson Road  
Ames, Iowa 50014

Dear Mr. Peters:

As I enter my second year as Director of Athletics for the University of North Dakota, I wanted to take this opportunity to thank VenuWorks and the management team at the Alerus Center for the tremendous working relationship that has developed with UND Athletics and, in particular, Fighting Sioux Football.

From facilities management to food service to ticket services, VenuWorks and the Alerus Center have proven to be an exceptional partner for UND Athletics. The Alerus Center management staff have provided quality customer service and been able to adapt proven industry practices to our unique situation resulting in helping us attract more fans to our games. In fact, this past football season we set a record for average attendance for Fighting Sioux Football.

We are excited about our new ten year agreement with the Alerus Center and look forward to even bigger things for UND Athletics and our football program with the partnership we have forged.

Sincerely,



Brian Faison  
Director of Athletics



# City of Vicksburg

1401 WALNUT STREET • VICKSBURG, MS 39181 • (601) 631-3718

---

LAURENCE E. LEYENS  
MAYOR

June 18, 2008

Mr. Steve Peters, President  
VenuWorks, Inc.  
P.O. Box 625  
Ames, Iowa 50010

Dear Steve:

The City of Vicksburg is extremely pleased with the professional relationship we have with VenuWorks, Inc.

Since successfully assuming management of the Vicksburg Convention Center in April of 2001, the Board of Mayor and Aldermen deemed it appropriate to expand your scope of services to include management of the Vicksburg Auditorium. We have been equally pleased with your success and management of that additional facility.

The Board has been impressed by the professional approach your firm has brought to the management of our facilities and the creation of an impressive, positive image in Vicksburg/Warren County and throughout the state. We appreciate and applaud your efforts.

We look forward to a continually successful relationship. If you should have questions or I can be of further help, please do not hesitate to contact me.

Sincerely,

  
LAURENCE E. LEYENS  
Mayor

LEL:dg

*Incorporated 1825*

City Website: <http://www.vicksburg.org>

email: [mayorleyens@vicksburg.org](mailto:mayorleyens@vicksburg.org)



311 3rd Avenue P.O. Box 270 Brookings, SD 57006 tel 605 692 6281 fax 605 692 6907 cityofbrookings.org

**Jeffrey W. Weldon**  
**City Manager**

June 24, 2008

Mr. Steve Peters, President  
VenuWorks, Inc.  
P.O. Box 625  
Ames, IA 50010

TO WHOM IT MAY CONCERN:

It is with great pleasure I write this letter of support for VenuWorks as the operator and general manager of the Swiftel Event Center, a public assembly facility owned by the City of Brookings. The VenuWorks team at the Swiftel Center, led by Tom Richter, has made the facility a monumental success for the community of Brookings.

Over time through careful management and assertive marketing, VenuWorks has steadily increased the breadth, scope, and variety of events at the Swiftel Center. Their professionalism and experience is the foundation of the facility's success. As a testament to VenuWorks excellence in service, we have recently made arrangements for VenuWorks to be the facility concessionaire instead of contracting out this service.

Over the past seven years, the Swiftel Center has provided more than \$56.2 million in local economic impact. Because of this trackrecord of success, the City of Brookings is now considering a \$6.5 million expansion of the Swiftel Center that would augment our existing services with premier convention facilities.

Without question, the work of VenuWorks on behalf of the City of Brookings and our public assembly facility has greatly increased the economic viability and quality of life for our community.

Sincerely,

CITY OF BROOKINGS

Jeffrey W. Weldon  
City Manager

This Was Printed From Wichita Business Journal

## 'Wonderful outcome' as Intrust Bank Arena nets \$2M in 2010

Wichita Business Journal - by Emily Behlmann

Date: Wednesday, February 9, 2011, 11:42am CST

Intrust Bank Arena netted just more than a \$2 million profit during its first year in operation, Assistant County Manager **Ron Holt** told the Sedgwick County Commission Wednesday morning.

The arena brought in a total of about \$7,005,000 and saw \$4,994,000 in operating expenses for 2010, Holt said.

During the year, the facility hosted 80 events with 119 performances, and there was a total attendance for the year of about 492,500 people.

The arena also spent about \$2.74 million with Kansas companies during the year.

Holt praised arena manager SMG for the profitable year.

"SMG has done a superb job in this first year," he said. "They've exceeded our expectations. ... I don't think 2011 will be quite the year 2010 was, but what a wonderful outcome for 2010."

According to the county's agreement with SMG, the arena will receive the first \$450,000 as an operating fee, and the county the next \$450,000. Any profits beyond that will be distributed 60 percent to the county, 40 percent to SMG.

The county likely will see a check for about \$1.1 million by April, after a financial audit.

Holt also reported on financials for the month of December. The arena made a \$70,732 profit with income of \$574,344 and expenses of \$503,612.

He said the expenses were higher than the usual \$400,000 or so because of some unusual factors.

"That's directly attributed to the purchase of Christmas decorations, work with an ad agency to do some rebranding, and they're putting together a community report, so there were expenses that were related to that," Holt said. "That was a one-month blip."

## MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, February 21, 2011 because it is a Holiday. The next City Council meeting will be Monday, February 28, 2011 at 5:30 p.m. Committee meetings will begin at 5:10 p.m.

**Terry Bolin** – Speaking about Landlords' Water Bills.

**Terry Bolin:** I've got a bill from the water department and as a property owner, I own a duplex, and this bill is for someone else's water. According to these codes, they can collect that from me. I read the codes. I think the codes are very vague. It seems to me the codes were written to recoup money for people who were just having sewer put in or the people who live in the apartment or live in the home to recoup that, and that doesn't seem to be the case. They're trying to recoup it from me as the property owner. But my main concern is this bill was sent to me January 7<sup>th</sup> of this year. The meter was read August of last year and the bill was for sewer and trash pickup only, but it is still \$219.00. It seems like it is a five-month bill. Why wasn't the water turned off for these people in this apartment if they didn't pay the bill. Was it because the water department knew they could collect it from me? I mean this doesn't seem like a fair way. The code says that the fees assessed against real property, a lien can be put against the property. The water bill doesn't come just to the home. It comes to a person. A person's name is on that bill. I'm just wondering is there some way that they can get the water department to start notifying us sooner and shutting the people off without putting the burden on us, because I just found out I'm going to have another one of these in probably about three weeks.

**John Hamilton:** This has come up before and actually there is a State Statute that governs this and it has been upheld by the Indiana Supreme Court, and it says the property owner is 100 percent liable for the water and sewer charges to that property. What some municipalities have done is say they will make their records available to landlords so that landlords can come and check monthly or every 30 or 60 days to make sure the tenant is doing it, or landlords can write it into their lease and keep the water in their name and collect it from the tenant. There are ways you can protect yourself. But it is State law that gives municipalities the right to collect directly

## Procedure for Billing

1. Bills are due 17 to 25 days after they are mailed out.
2. After two months of non-pay and a new bill coming out, customer receives a shut-off notice.
3. The shut-off notice is sent no earlier than three days after bill due date
4. The shut-off due date is at least seven days after mailed out.
5. Customer is eligible for water disconnection after this date.
6. If customer doesn't pay after the third month, another notice will go out for the delinquent amount.
7. At this time, the utility sends someone out to make sure water is still off and gets a reading on the meter.
8. The next day the account is closed and becomes a final bill.

After a final bill has been produced:

1. The bill is sent to the address given, or sent to service address if no forward address was provided. It is due upon receiving
2. A reminder is mailed out about a month after final bill is sent
3. If the amount is still outstanding, 45 days after the final date:
  - a. If applicable, the former account holder is sent to a collection agency for more extensive collections, and/or
  - b. The outstanding bill is given to the Lien Department

After the bill is given to the Lien Department:

1. The lien clerk sends a letter within 80 days of the final date to the homeowner, informing them of the delinquency on the account and possibility of a lien.
2. The balance must be paid by the due date, which is no shorter than 30 days from the time the letter is sent.
3. If the delinquency is not paid, a letter stating a lien has been put on the account is sent out.
4. If the bill still remains unpaid by the due date of the letter, the amount is certified to the treasures office to be put on the homeowner's property taxes.

These codes can be found at [www.IN.gov](http://www.IN.gov)

**CITY CODE:**

**Section 5.50.59 Lien.**

Each charge for the sanitary service by or pursuant to this sul and on the corresponding lot, parcel of real estate, building, or service, and if not paid on or before the due date thereof, the an penalty of 10% of all unpaid charges and an administrative fee. release of such lien with the County Recorder and a reasonable the City in a civil action.

(' 62 Code, § 925.04) (Ord. G-64-3, passed 6-16-64; Am. Ord. Ord. G-81-3, passed 1-25-82; Am. Ord. F-87-20, passed 12-15-

**STATE ORDAIN:**

**IC36-9-23-31**

**Fees; nonpayment; delinquency penalty; civil action to recover**

Sec. 31. If fees assessed against real property under this chapter or any statute repealed by IC 19-2-5-30 (repealed September 1, 1981) are not paid within the time fixed by the municipal legislative body, they are delinquent. A penalty of ten percent (10%) of the amount of the fees attaches to the delinquent fees. The amount of the fee, the penalty, and a reasonable attorney's fee may be recovered by the board in a civil action in the name of the municipality.

*As added by Acts 1981, P.L.309, SEC.96. Amended by P.L.3-1990, SEC.136.*

**STATE ORDAIN:**

**IC36-9-23-32**

**Fees; nonpayment; creation of lien; priority; time of attachment; notice; subsequent owners; release**

Sec. 32. (a) Fees assessed against real property under this chapter or under any statute repealed by IC 19-2-5-30 constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (b) and (c), the lien attaches when notice of the lien is filed in the county recorder's office under section 33 of this chapter.

(b) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

*H. Lyman*

*I thought this  
may help you.*

*Thanks  
Linda*

*Please call Misty  
@ 7849 - Lien Clerk  
For Questions*

(c) A lien attaches against real property occupied by someone other than the owner only if the utility notified the owner within twenty (20) days after the time the utility fees became sixty (60) days delinquent. However, the utility is required to give notice to the owner only if the owner has given the general office of the utility written notice of the address to which the owner's notice is to be sent.

(d) The municipality shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller; upon receipt of a verified demand in writing from the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner, and that the purchaser

has not been paid by the seller for the delinquent fees.

As added by Acts 1981, P.L.309, SEC.96. Amended by P.L.131

A.

Each water charge charged under or pursuant to Chapter 1105, Columbus City Codes, is made a lien upon the corresponding lot, parcel of land, building or premises served by a connection to the water system of the city, and if the same is not paid within sixty (60) days after it becomes due and payable, it shall be certified to the auditor of Franklin County, Ohio, who shall place the certified amount on the real property tax list and duplicate of the property served by the connection. A penalty charge of ten (10) percent on the amount that is due and payable shall be added to the certified amount, plus an administrative charge for handling as specified in Section 1105.09. The total certified amount shall be collected as other taxes are collected. The city shall provide the owner of property with written notice of the impending certification at least thirty (30) days prior to the certification. For any procedure not specified in this section, refer to Section 743.04 of the Ohio Revised Code.

B.

The division may also collect unpaid water charges by actions at law, in the name of the city, from an owner, tenant, or other person who is liable to pay the charges.

C.

The owners of real estate premises installing or maintaining water or electricity service shall be liable for all water charges incurred for service at said premises.

D.

The division will directly bill a tenant for water and sewer service if the property owner, or authorized agent of the property owner, along with the tenant, sign a written agreement authorizing direct billing of the tenant. Once a written agreement is signed, the division will simultaneously mail, to both the owner and the tenant, copies of any bills and notices concerning delinquent water and sewer charges. This requirement shall affect contracts made on or after the effective date of this paragraph.

E.

Direct billing of a tenant shall be in no way construed as to relieve the owner of the real estate premises of liability for water and sewer service charges. No direct billing of a tenant will be allowed where all delinquent water and sewer charges are not paid in full up until the date the direct billing agreement is accepted by the city, or where water or sewer service has been terminated for real estate premises.

F.

The owner of real estate premises by installing or maintaining water or electricity service from the city is deemed to assent to all rules and regulations of the Division of Power and Water and ordinance of the city pertaining to water or electricity service and distribution.

(Ord. 2804-91; Ord. 422-06 § 2 (part).)

### **1105.05 - Outside city water rates.**

A.

For areas covered by retail contracts: the outside city rates shall be the total obtained by adding the inside city rates and the percentage increase or additions specified in the contract. If no percentage is specified in the contract, the outside city rates shall be the inside city rates multiplied by one and three tenths (1.3).

B.

For noncontract areas or areas where the contract has expired: the outside city rates shall be the inside city rates multiplied by one and one-half (1.5).